

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JARED J. PIPKINS,) CASE NO. 1:23-cv-01586
Plaintiff,)
v.) JUDGE BRIDGET MEEHAN BRENNAN
CUYAHOGA COUNTY)
EXECUTIVE, *et al.*,) **OPINION AND ORDER**
Defendants.)

Before this Court is the motion for a PLRA screening or, in the alternative, motion to dismiss for failure to state a claim (Doc. No. 4) filed by Defendants Cuyahoga County Executive and Cuyahoga County Sheriff. This motion is unopposed and GRANTED.

Plaintiff Jared Pipkins filed his *pro se* complaint against Defendants alleging various claims related to his time at the Cuyahoga County Jail. (*See* Doc. No. 1-2.) On August 18, 2023, Defendants filed the herein motion setting forth numerous bases justifying the dismissal of all claims. (Doc. No. 4.) Defendants served Plaintiff with this motion by mailing it to the Correctional Reception Center, which – according to the Ohio Department of Rehabilitation & Correction’s website – is the institution Plaintiff has been at since July 10, 2023. (*Id.* at PageID 34.) Plaintiff did not oppose the motion or request an extension of time to do so.

This Court may interpret the absence of a response to a motion to dismiss as a waiver of opposition. *Ray v. United States*, 2017 WL 2350095, at *2 (E.D. Tenn. May 30, 2017) (citing *Notredan, LLC v. Old Republic Exch. Facilitator Co.*, 531 Fed. App’x. 567, 569 (6th Cir. 2013))

(explaining that failure to respond or otherwise oppose a motion to dismiss operates as both a waiver of opposition to, and an independent basis for granting, the unopposed motion); *Demsey v. R.J. Reynolds Tobacco Co.*, No. 1:04-cv-1942, 2005 WL 1917934, at *2 (N.D. Ohio Aug. 10, 2005) (“The court’s authority to grant a motion to dismiss because it is unopposed is well established.”); *see also Humphrey v. U.S. Attorney Gen.’s Office*, 279 F. App’x. 328, 331 (6th Cir. 2008) (citations omitted) (“Thus, where, as here, plaintiff has not raised arguments in the district court by virtue of his failure to oppose defendants’ motions to dismiss, the arguments have been waived.”)

Additionally, the Court finds that Defendants have persuasively articulated why Plaintiff is not entitled to the relief he seeks and that the complaint must be dismissed because it fails to state a viable claim against Defendants.

Accordingly, Defendants’ motion is GRANTED. This case is dismissed.

IT IS SO ORDERED.



BRIDGET MEEHAN BRENNAN
UNITED STATES DISTRICT JUDGE

Date: October 30, 2023